

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DANIEL HOODE,)
Plaintiff)
)
v.)
)
ROBERT TURGEON, STEPHEN)
GUNNERSON, KEVIN JOHANSON,)
MATTHEW D'ANDREA, BRIAN)
HALLORAN and THOMAS C. DUFFY) C.A. NO. 05-40075FDS
Defendants)

DEFENDANTS' MOTION IN LIMINE
AS TO OFFICER TURGEON'S POSSIBLE INJURY
AS REFERENCED HIS REPORTS

Defendants Robert Turgeon, Stephen Gunnerson, Kevin Johanson, Matthew D'Andrea, Brian Halloran and Thomas C. Duffy ("Defendants") hereby move this Court to exclude all evidence as to the possible type of fracture Officer Turgeon sustained. Officer Turgeon states in both his incident report and his injured on duty report that he was looked at by an ambulance paramedic for a hand injury immediately following Plaintiff's arrest. Without any formal testing, x-rays, or other treatment, the EMT apparently stated that Officer Turgeon may have sustained a "boxer's fracture" and should seek treatment. Officer Turgeon did not seek further treatment, including x-rays, nor was his injury ever formally diagnosed. Accordingly,

the statement made by the paramedic constitutes hearsay and conjecture.

WHEREFORE, Defendants move this Court to exclude all references to a "boxer's" fracture contained in Officer Turgeon's reports and all testimony as to the same should be excluded.

ROBERT TURGEON, STEPHEN
GUNNERSON, KEVIN JOHANSON,
MATTHEW D'ANDREA, BRIAN
HALLORAN and THOMAS C. DUFFY

By their attorney,

/s/ Janet J. McGuiggan
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CERTIFICATE OF SERVICE

I, Janet J. McGuiggan, hereby certify that on this 30th day of January, 2008, I served upon Plaintiff the within motion by electronically filing the same with the Court with electronic notice sent to all registered participants.

/s/ Janet J. McGuiggan
Janet J. McGuiggan